

Stanhope Land Use Board
April 13, 2015
Regular Meeting
Minutes

CALL MEETING TO ORDER:

Chairman Maguire called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

STATEMENT:

Adequate notice for this meeting has been provided according to the Open Public Meetings Act, Assembly Bill #1030. Notice for this Meeting was forwarded to the New Jersey Herald and Daily Record on January 14, 2015 and was placed on the municipal bulletin board.

In the event the Board has not addressed all the items on its agenda by 11:00 p.m., and it is of the opinion that it cannot complete the agenda in a reasonable period, the Board may exercise its option to continue this meeting at an agreed time and place, within ten (10) days of this meeting.

At this time, please turn off all cell phones.

ROLL CALL:

Nicholas Bielanowski - present
James Benson, Alt. #1 - present
Michael Depew - present
Rosemarie Maio - absent
Thomas Pershouse - present

John Rogalo – present (arrived 7:05 pm)
Joseph Torelli - present
Michael Vance - absent
Paula Zeliff-Murphy - present
John Maguire – present

Others present: Roger Thomas, Esq., Board Planner William Hamilton and Board Secretary Ellen Horak

MINUTES

March 9, 2015 Regular Meeting– On motion by Ms. Zeliff-Murphy, seconded by Mr. Depew, the Minutes of the March 9, 2015 Regular Meeting were approved on unanimous voice vote.

CORRESPONDENCE

03-10-15 NJLM – NJ Supreme Court Council on Affordable Housing (COAH) Ruling
03-12-15 NJ Planning Officials – New Jersey Planner (Jan/Feb Edition)
03-16-15 Sussex County Dept. of Engineering & Planning – preliminary site plan application submitted by Airport Road Properties, LLC re: County Route 605, Hopatcong
03-18-15 PSE&G – Notice of Flood Hazard Area Individual Permit Application in support of electric overhead transmission rights-of-way vegetation maintenance-selective herbicide application re: property within service area encompassing 16 NJ Counties

On motion by Ms. Zeliff-Murphy, seconded by Mr. Bielanowski, and carried by unanimous voice vote, the Correspondence List was accepted and placed on file.

OPEN TO THE PUBLIC FOR NON-AGENDA ITEMS:

Chairman Maguire opened the meeting to the public for non-agenda items. Seeing no one from the public wishing to speak, Chairman Maguire closed the public portion of the meeting.

OLD BUSINESS

Escrow – Chairman Maguire noted the escrow report shows CBS Outdoors, LLC has an outstanding balance. The CFO has been out of the office so they do not know if a check has been received since the escrow print out. Chairman Maguire also noted that, with respect to the Boyle escrow, the applicant's attorney has not submitted the deeds for review by the Board Attorney.

NEW BUSINESS:

COAH – Chairman Maguire noted the presence of Planner Hamilton and asked that he speak to the Board with regard to COAH. Planner Hamilton spoke about COAH and summarized the March 10th Supreme Court ruling. Timeframes were set up for municipalities. The first date to note is June 8, 2015 because from that date until July 8, 2015 is the time when municipalities can make a declaratory judgment with respect to if they feel they are in compliance or, can request time to prepare an amendment to their housing plan to show compliance. The timeframes are vague for other aspects, but the June 8 to July 8 timeframe is very important. They have gone back to the prior COAH numbers. Planner Hamilton noted the Borough had a Housing Plan developed in 2010 that included the gross share methodology which has been thrown out by the Court. Planner Hamilton will speak with Attorney Thomas about the numbers. The latest COAH numbers developed in 2014 may have some terms of validity. The numbers for Stanhope is 22 units with 4 rehabilitation units. The Borough's current plan that includes the gross share numbers, show 52 units were projected with 4 rehabilitation units. The numbers have gone down, but it is unsure if they will be the final numbers for the Borough. Planner Hamilton stated the Fair Share Housing Center developed numbers based upon a study done by Planners in Princeton, but they are very high numbers. Their number for Stanhope is 245 units. Planner Hamilton said he will be doing further research and noted the importance for the Board to be aware of what is going on with COAH. Attorney Thomas agreed and added that this was part of a lengthy litigation. Attorney Thomas noted the number of 245 units that Planner Hamilton mentioned and added this is not going away. Attorney Thomas stated COAH is not a legislative body, it is controlled by the Governor and he expressed his opinion that there will be no action until after the November 2016 election and that this issue will be around until after the election. Attorney Thomas stated the Borough must make a decision on whether or not to take any action. The Borough can file a Declaratory Judgment action and seek to get immunity with the Assignment Judge. If the Borough decides to do nothing, they become subject to litigation. Attorney Thomas stated the Board needs to find out if Stanhope previously did something and is a participating municipality. Chairman Maguire stated his opinion that the Borough is current with respect to the second round of COAH. Chairman Maguire noted there is not much buildable land in the Borough. Chairman Maguire asked if the Board should take some form of written action. Attorney Thomas noted this will be an expensive project. The plan needs to be reviewed because it was done years ago. Chairman Maguire asked if it must be addressed in the Master Plan. Attorney Thomas responded it will be a housing element in the Fair Share Plan and will be part of the Master Plan process. Attorney Thomas stated the Board will be involved in COAH and he suggested a joint meeting with the Mayor and Council to discuss what action, if any, will be taken. The Board agreed a joint meeting should be held as soon as possible. Mr. Depew will bring this issue to the attention of the Mayor and Council and request a joint meeting. Attorney Thomas and Planner Hamilton should also attend the joint meeting.

Master Plan Re-Examination – Chairman Maguire deferred discussion to Planner Hamilton. Planner Hamilton stated the last re-examination report was done May 8, 2006. A re-examination must be completed at least once every ten (10) years. The Board has one (1) year to file a new plan. If it is not done within the timeframe, the Master Plan can be attacked by a builder's remedy lawsuit. Planner Hamilton explained the process of a re-examination report, noting it is not subject to a public hearing, but it may be beneficial to hold a public hearing. If it is decided to update the Housing Element now, a decision should be made as to whether to tie it into the Master Plan. They need to look at what changed in the community since the last re-examination and if there were any changes, what needs to be done to address those issues. Planner Hamilton stated the Master Plan must include a statement of objectives; a housing plan, utility service plan, circulation plan, community facilities plan, recreational plan, conservation plan, economic plan, historic preservation plan, land uses of contiguous municipalities, recycling plan and land use plan. After a review of the Master Plan, you must identify and recommend any changes to the Master Plan that should be included in the re-examination report. Planner Hamilton stated the re-examination can be accomplished by committee or the full board with his guidance. Planner Hamilton suggested this issue should be taken on a month-to-month basis since there is time before it must be completed. Attorney Thomas noted this is a re-examination of the Master Plan. Chairman Maguire stated the Board will need the guidance of the Planner and Attorney. Chairman Maguire will scan the 2006 re-examination report and email it to the Board for their review prior to the next meeting. Attorney Thomas said the Board should look at the plan, and noted the numbers can be dealt with by the Planner because the census numbers have changed since the re-examination report. Planner Hamilton stated he reviewed the 2006 re-examination report and identified a number of problems which may or may not still be a problem, i.e. signage. He will address his comments after the Board reviews the 2006 re-examination report. Attorney Thomas suggested the Board review the document and start the process now in conjunction with COAH. The Board can peruse the plan and have Planner Hamilton give the Board an analysis of what was highlighted as the plan's problems. Chairman Maguire asked the Board to review the 2006 Master Plan Re-Examination Report and be familiar with some of the document for discussion at the next meeting.

ADJOURNMENT:

On motion by Mr. Torelli, seconded by Ms. Zeliff-Murphy, it was the consensus of the Board to adjourn the meeting at 7:53 P.M.

Respectfully submitted,



Ellen Horak, Board Secretary

